



Attorney Docket: 027/43042
PATENT

Handwritten signature and date: 9/24/96

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: HERBERT DAMSOHN ET AL.

Serial No.: 08/743,002 Group Art Unit: 3743

Filed: NOVEMBER 1, 1996 Examiner: L. LEO

Title: HEAT EXCHANGER FOR EXHAUST GAS COOLING

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §§ 1.97 and 1.98

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure under 37 CFR §1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached Form PTO-1449 and/or listed herein and which the Examiner may deem relevant to patentability of the claims of the above-identified application.

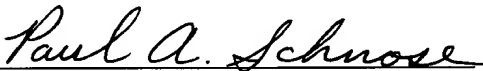
The present Information Disclosure Statement is being filed after the later of three months from the application's filing date and the mailing date of the first Office Action on the merits, but before a Final Office Action or Notice of Allowance (whichever is earlier), and therefore Applicant is filing concurrently herewith a **Conditional** Statement under 37 CFR §1.97(e) (2) (see Statement regarding Condition of making statement, and alternative request that the fee under 37 CFR §1.17(p) be charged to our Deposit Account).

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and shortages in other fees, be charged, or any overpayment in fees be credited, to the Deposit Account of Evenson, McKeown, Edwards & Lenahan, P.L.L.C., Account No. 05-1323 (Docket #027/43042).

Respectfully submitted,

September 15, 1998


Paul A. Schnose
Registration No. 39,361

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PAS/gh



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Applicant: HERBERT DAMSOHN ET AL.

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Title: HEAT EXCHANGER FOR EXHAUST GAS COOLING

CONDITIONAL STATEMENT UNDER 37 CFR § 1.97 (e) (2)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The Information Disclosure Statement filed herewith cites only commonly assigned U.S. Patent No. 5,803,162, which matured from application serial no. 08/869,226. Although the Applicant/Assignee was aware of U.S. patent application serial no. 08/869,226 more than three months ago, the instant statement under 37 C.F.R. 1.97(e) (2) is believed to be in order in view of the September 8, 1998 issue date of U.S. Patent 5,803,162, at which time the patent became potential prior art under 35 U.S.C. 102(e).

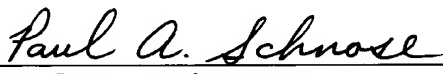
Under the belief and under the condition that there was no requirement to disclose application serial no. 08/869,226 prior to its issuance as U.S. Patent No. 5,803,162, I hereby state that no item of information contained in the Information Disclosure Statement filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any

individual designated in 37 CFR 1.56 (c) more than three months prior to the filing of this Information Disclosure Statement.

However, in the event that it is determined that there was a duty to disclose application serial no. 08/869,226 prior to its issuance as U.S. Patent No. 5,803,162, a Statement under 37 C.F.R. 1.97(e) cannot be made and is not hereby made, since the application was known to Applicant/Assignee more than three months ago. In that case, since the Information Disclosure Statement will not comply with 37 C.F.R. 1.97(c)(1), it is respectfully requested that the Information Disclosure Statement be considered submitted under 37 C.F.R. 1.97(c)(2), and that the corresponding fee (\$240.00) be charged to Deposit Account 05-1323. If there are any questions regarding this Conditional Statement, please telephone the undersigned.

Respectfully submitted,

September 15, 1998


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